

# Staff Summary Report



Hearing Officer Hearing Date: April 17, 2007

Agenda Item Number:   3  

**SUBJECT:** This is a public hearing for a request by the **BIERMANN RESIDENCE (PL070044)** located at 558 West Magdalena Drive for one (1) use permit.

**DOCUMENT NAME:** 20070417dssl01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **BIERMANN RESIDENCE (PL070044) BIERMANN RESIDENCE (PL070044)** (Brian Biermann, applicant/property owner) located at 558 West Magdalena Drive in the R1-6, Single Family Residential District for:

**ZUP07024** Use permit to park a RV/boat in the front yard setback.

**PREPARED BY:** Sherri Lesser, Senior Planner (480-350-8486)

**REVIEWED BY:** Steve Abrahamson, Senior Planner (480-350-8359)

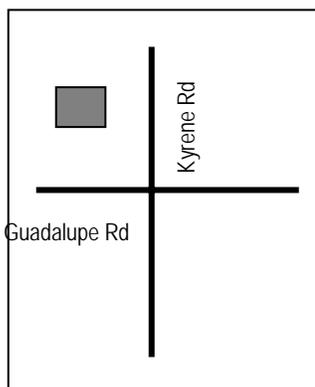
**FINAL REVIEW BY:** Lisa Collins, Planning Director (480-350-8989) *LC*

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Denial

**ADDITIONAL INFO:** The Biermann Residence is before the Hearing Officer to request a use permit to allow an RV and boat to be parked in the front yard setback. The applicant originally requested the use permit for an RV/Motor home, but upon review by staff; it was determined that the RV was parked behind the front yard setback thus not requiring a use permit. The applicant is now seeking the use permit to allow a boat to remain in the front yard setback; primarily during the summer months. Staff does not support the use permit as proposed in this application.



**ATTACHMENTS:**

- 1 List of Attachments
  - 2 Comments; Reason for Denial/Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference
- 
- A. Location Map(s)
  - B. Aerial Photo(s)
  - C. Letter of Intent
  - D. Site plan
  - E. Staff Photograph(s)

**COMMENTS:**

The Biermann residence is requesting a use permit to allow a recreation vehicle (boat) to be parked in the front yard setback. The applicant states in their letter of explanation; that they use the boat frequently during the summer months from May through October and the remainder of the time the boat is parked in the backyard. They like the convenience of having the boat available from their driveway. If they were to park the boat in the rear yard continuously, on the days that boat was in use, the RV would be staged on the street in front of the residence (which is permissible by City Code). They state that the boat is kept clean with a cover and clear from the sidewalk; so as to not impede pedestrian traffic.

**Use Permit**

The Zoning and Development Code requires a use permit for a recreational vehicle to be parked in the front yard setback. .

**Conclusion**

Staff recommends denial of the use permit request. Staff acknowledges the convenience for the applicant to store their recreational vehicle (boat) on the driveway, at the same time the sensitivities of other residences should also be considered. The granting of this use permit would contribute to the long term deterioration of the neighborhood and is not consistent with the existing surrounding structures or uses.

**REASON(S) FOR**

**DENIAL:**

1. The RV/boat would contribute to the deterioration of the neighborhood and potentially may negatively impact property values.
2. The RV/boat would contribute to the visual deterioration of the neighborhood and is contrary to the goals of General Plan 2030.
3. The recreational vehicle/boat poses a potential to negatively impact the character of the neighborhood.
4. The use does not appear to be compatible with the existing surrounding residential structures and uses.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITION(S)**

**OF APPROVAL:**

1. The boat shall be parked, at all times, on paved driveway; clear of public sidewalk.
2. The use permit is valid from April 1st to November 1st annually; other months the boat to be parked in rear yard.
3. The recreation vehicle shall be operable and have current registration.

**HISTORY & FACTS:**

None pertinent to this request

**DESCRIPTION:**

Owner – Brian Biermann  
Applicant – Brian Biermann  
Existing zoning – R1- 6, Single Family Residential District

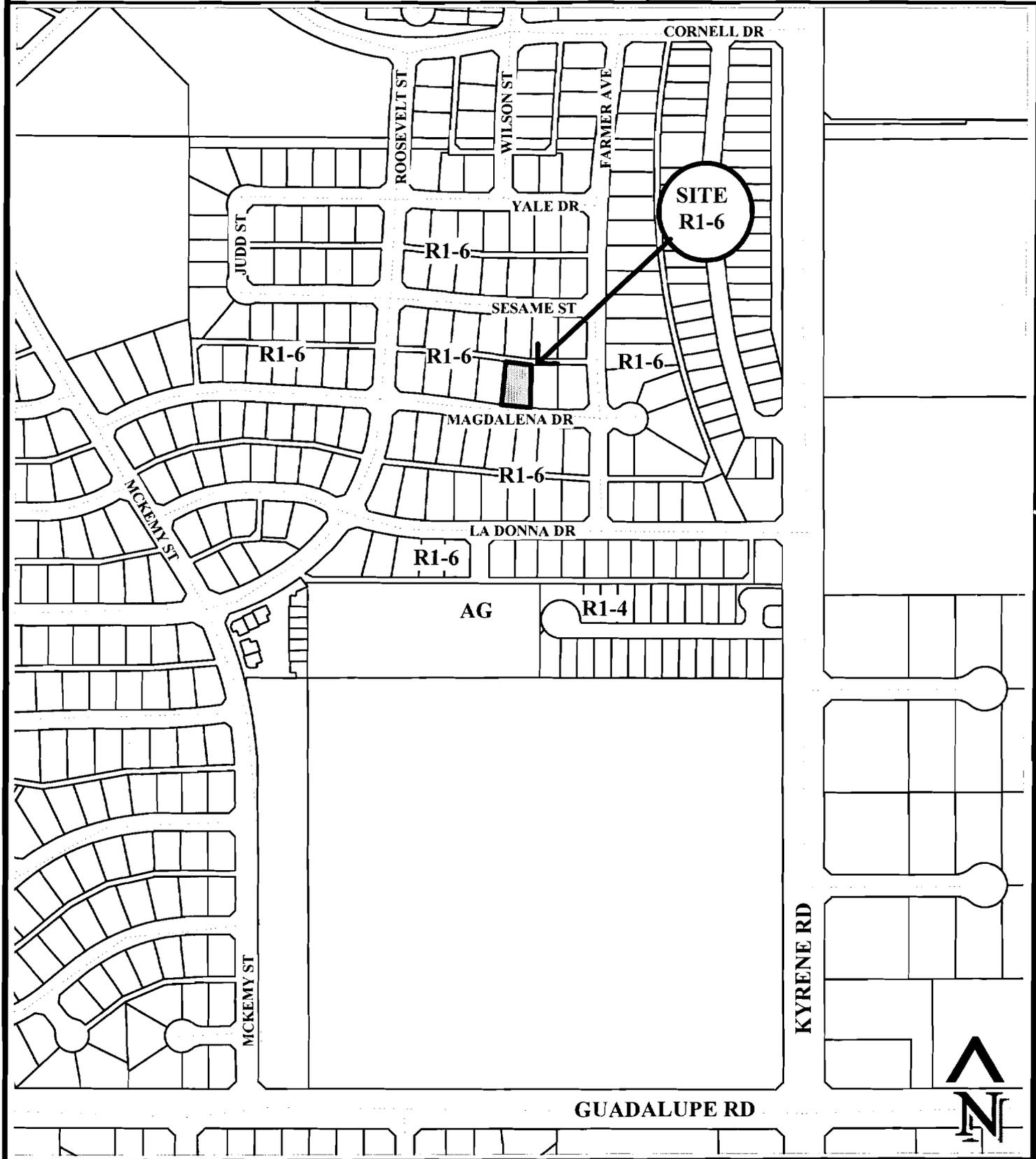
**ZONING AND DEVELOPMENT**

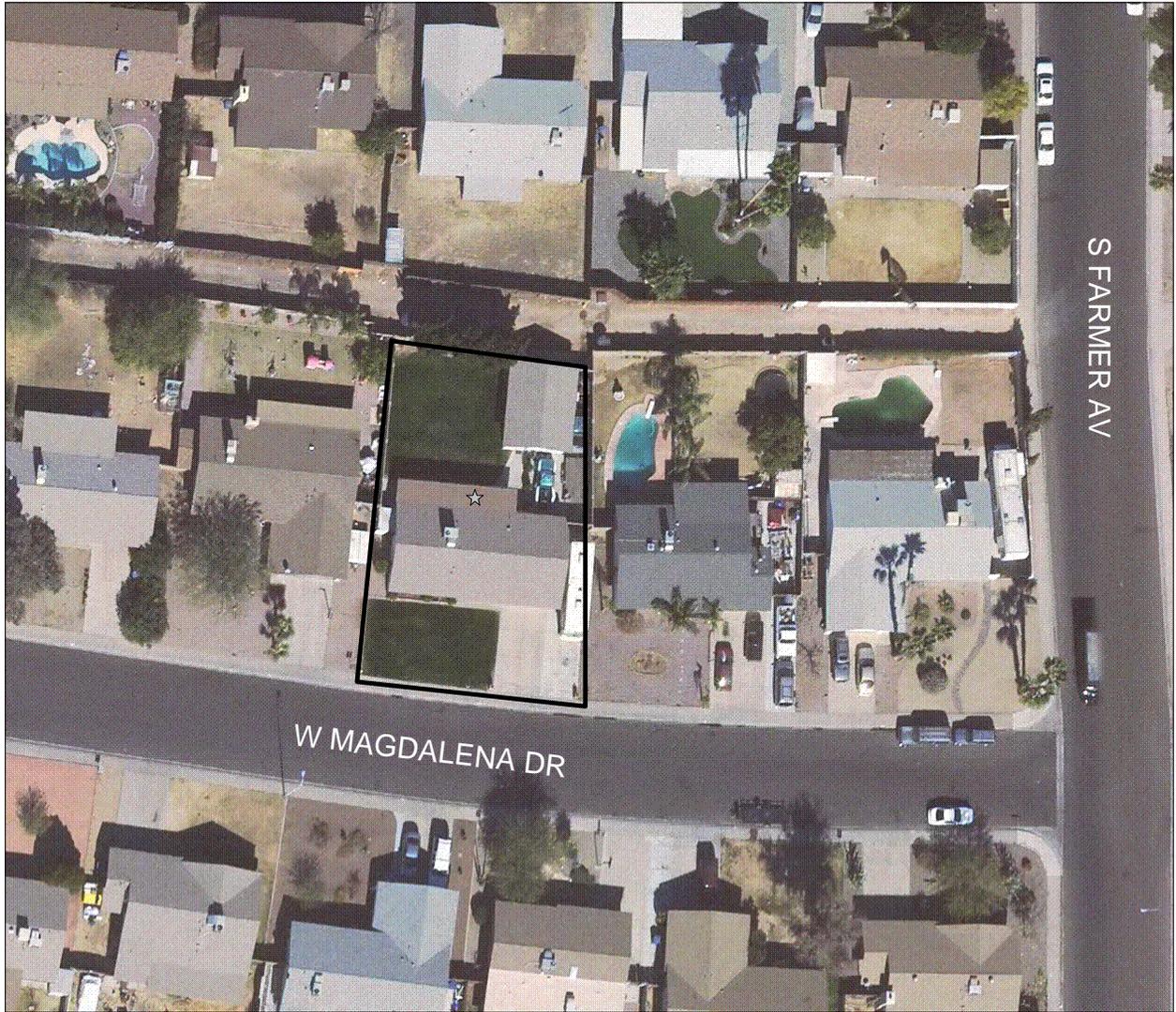
**CODE REFERENCE:**

Zoning and Development Code, Part 6, Section 6-308  
Zoning and Development Code, Chapter 6, Section 4-602- B - 7

**BIERMANN RESIDENCE**

**PL070044**





BIERMANN RESIDENCE (PL070044)

**Biermann Residence Use Permit**

**Modified Letter of Explanation**

To whom it may concern:

My name is Brian Biermann, I live at 558 W. Magdalena Dr. Tempe AZ, 85283. Originally I was applying for the Use Permit to park my parents RV at my residence but upon plan review from Sherry Lesser from the City of Tempe Planning and Zoning Division, she explained to me that it was not necessary for me to obtain a use permit if I park the RV in its current location which does not infringe on the 20 foot front yard setback (see photos and modified site plan). I am now applying for a Use Permit to park my 19ft ski boat on the front yard setback, on the concrete improved surface. Typically the boat will only be parked in this location during boating season, which is 6 months long (May thru Oct). When the boat is not in use (Nov. thru April) I park it behind my gate in the back yard. During the summer the boat is used at least once a week, so I would like to be able to have access to it without moving the RV, also I think putting the RV in the street for the day so I can take the boat in and out would be more of a nuisance to my neighbors than parking the boat in front of the RV in my driveway as the enclosed photos show. In my opinion the boat will not cause any significant vehicular or pedestrian traffic in adjacent areas. The boat will not cause any nuisance related to odor, dust, gas, noise, vibration, smoke, heat or glare, exceeding that of ambient conditions. The boat will not contribute to deterioration of the neighborhood or be in conflict with the goals, objectives, and policies of the City. The boat does not block line of vision down my street anymore than a car parked in the driveway would. My property has the landscaping manicured once a week, I plant winter and summer grass, bushes are trimmed, and in my opinion my property is one of the best-kept properties on my street and in this neighborhood respectively. The boat will be compatible with existing surrounding structures being it will be parked on an existing improved concrete surface. The boat will not result in any disruptive behavior, which may create a nuisance to the surrounding area or general public. My brother and I purchased this house in Dec 2000. One of the things that helped us make the decision to purchase this property was the RV/boat storage capability and the fact that it was a non-Home Owners Association property. The area seemed to be a RV/boat friendly neighborhood, we see numerous properties in this area that have RV's, Boats, and Trailers parked in the front side yard setbacks.

In conclusion we hope the City of Tempe will grant us permission to park the boat on the front yard setback of our property after we obtain the Use Permit. I have never received a complaint parking the boat there but now understand that per city code 4-602 (B) I need a use permit to be code compliant. There are numerous properties in this area that have RV, Boats, and trailers that I am almost certain are in violation of code. We are trying to do the right thing and obtain the Use Permit.

Sincerely,

Brian Biermann

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CITY OF TEMPE PLANNING AND ZONING SERVICES DEPARTMENT

**Biermann Residence Modified Site Plan**

Submitted by: Brian Biermann

Project name: Biermann Residence Use Permit

Site Address: 558 W. Magdalena Dr. Tempe, AZ 85283

**Site Data :**

Zoning	R1-6
Lot Area	8564 sq. ft.
House Area	1071 sq. ft.
Street R/W	35'
Alley Width	17'
Covered parking	4 car garage capacity
Construction year	1980
# of patios	1
Patio type	covered
Exterior walls	frame wood
Roof type	Asphalt shingle
Setbacks	6' west side yard 10' east side yard 31' front yard 7' back yard to rear garage 62' back yard to house

Proposed use: boat parking on improved concrete surface on front east side yard.  
(see photos)

Closest Fire Hydrant : front yard of lot (see drawing)

\*\*\* See following Site Plan drawing for site detail.\*\*\*

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TEMPLE DEVELOPMENT  
SERVICES DEPARTMENT

modified site plan

LEY 17'

67.61'

ROCK

GRASS

GARAGE

30'

20'

concrete

PATIO

Laundry

HOUSE

GARAGE

27'

18'

32'

concrete

RV PARKING

117.70'

6' ROCK

116.92'

GRASS

DRIVEWAY concrete

26'

Proposed Boat PARKING

10'

TEMP-DEVELOPMENT SERVICES DEPARTMENT

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FIRE HYDRANT

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## **BIERMANN RESIDENCE**

**558 W. MAGDALENA DRIVE**

**PL070044**

**SIDE YARD: VIEW TO NORTH**



**BIERMANN RESIDENCE**

**558 W. MAGDALENA DRIVE**

**PL070044**

**FRONT OF HOUSE: VIEW TO NORTHEAST**



**BIERMANN RESIDENCE**

**558 W. MAGDALENA DRIVE**

**PL070044**

**SUBJECT RV IN STREET: VIEW TO EAST**